

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**MELVIA WILSON,**

Plaintiff,

v.

**STATE OF OREGON, DEPARTMENT  
OF HUMAN SERVICES,  
MULTNOMAH COUNTY, JENNIFER  
COBB, NATALIE TAYLOR, and  
HEATHER KILMER,**

Defendants.

No. 3:20-cv-01819-JR

OPINION AND ORDER

**MOSMAN, J.,**

On July 13, 2023, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”) [ECF 141], recommending that I grant Defendants’ Motions for Summary Judgment [ECF 102, 106] and deny Melvia Wilson’s Motion for Voluntary Dismissal [ECF 134]. Wilson filed objections to the F&R on July 21, 2023 [ECF 143]. State Defendants filed a response on August 2, 2023 [ECF 144] and Cobb joined State Defendants’ response on August 3, 2023 [ECF 145]. Upon review, I agree with Judge Russo. I GRANT the Motions for Summary Judgment and DENY the Motion for Voluntary Dismissal.

### DISCUSSION


The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review, I agree with Judge Russo's recommendation, and I ADOPT the F&R [ECF 141] as my own opinion. The Motions for Summary Judgment [ECF 102, 106] are GRANTED and the Motion for Voluntary Dismissal [ECF 134] is DENIED.

IT IS SO ORDERED.

DATED this 14 day of August, 2023.

  
MICHAEL W. MOSMAN  
Senior United States District Judge